

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA

vs.

LEE BOYD MALVO

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Criminal No. 102888

RESPONSE TO MOTIONS TO TELECAST PROCEEDINGS, STILL PHOTOGRAPHY
AND POINT TO POINT TELECAST OF PRETRIAL AND TRIAL PROCEEDINGS

The Commonwealth has no objection to still photography and the point to point telecast of proceedings in this case. This is with the understanding that the point to point closed circuit will be to one location only. The purpose is to deal with possible overflow from the trial courtroom. It is extremely doubtful that more than one location will be needed for that purpose. We disagree with the defense suggestion that the rule on witnesses will be endangered. Witnesses need only be admonished to stay out of the closed circuit room in addition to the courtroom.

The Commonwealth agrees with the defense in its opposition to the open telecast of the pre-trial proceedings and the trial. Jury selection will be difficult, in all probability. Daily telecasts will surely enhance that difficulty and will affect the potential jury pool both for this case and probably other trials in this region of this defendant and his co-defendant.

Respectfully submitted,

ROBERT F. HORAN, JR. ✓
Commonwealth's Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above Response was mailed, first class to Michael S. Arif, Counsel for Defendant, 8001 Braddock Road, Suite 105, Springfield, VA 22151, Craig S. Cooley, Counsel for Defendant, 3000 Idlewood Avenue, P.O. Box 7268, Richmond, VA 23221, Robert M. Ross, Assistant County Attorney, 12000 Government Center Parkway, Suite 549, Fairfax, VA 22035, Karen L. Gibbons, Assistant County Attorney, 12000 Government Center Parkway, Suite 549, Fairfax, VA 22035, Craig T. Merritt, Esq., 909 East Main Street, Suite 1200, Richmond, VA 23219, Barbara Van Gelder, Esq., 1776 K Street, N.W., Washington, DC 20006 and Honorable Jane Marum Roush, Judge, Fairfax County Circuit Court and the original was forwarded for filing to John T. Frey, Clerk of the Fairfax County Circuit Court, this 26th day of February, 2003.

ROBERT F. HORAN, JR.
Commonwealth's Attorney

v _____